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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,585	07/20/1999	GEORGE KOPPICH	36J.P225	9436

5514 7590 12/23/2003

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NEW YORK, NY 10112

EXAMINER
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RAHIMI, IRAJ A

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/23/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/357,585

Applicant(s)

KOPPICH ET AL.

Examiner

(Iraj) Alan Rahimi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-12,14 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-12,14 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. In papers filed on November 21, 2003 applicant amended claims 1-3, 5, 9-12, 14; canceled claims 6-8, 13, 15-22 and added new claims 23-25.

### ***Response to Arguments***

2. Applicant's arguments filed on November 21, 2003 have been fully considered but they are not persuasive. Applicant argues that Shaffer is not seen to teach or to suggest obtaining a print driver for the printer, and rendering the print job using the obtained print driver before transferring the rendered print job over the network to the information processing device, to which the printer is connected. Applicant correctly cites column 3, lines 27-58 in Shaffer which teaches program control computer 16 (acting as server) recognizes the request for a hard copy print and retrieves the image data to be printed and processes the image data according to the users printer in the print processor 24. It is well known in the art that print driver is the processor of the image data for a given printer in order for the image to print correctly on that printer. Shaffer by using the print processor suggests that print processor has the appropriate print driver associated with the user's printer. And this is exactly what the latest amendment is directed towards.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US patent 5,793,414) in view of Bum (US patent 6,285,685).

Regarding claim 1, Shaffer discloses a method for providing of an Internet-based print job at a printer connected to an information processing device 24, a server 16 connected to the plurality of information processing devices executes the steps of

receiving from an Internet-based source a print job including data to be printed at a printer connected to an information processing device via a network (column 3, lines 43-55);

obtaining a print driver for the printer connected to the information processing device (column 3, lines 27-32 and lines 43-55);

rendering the print job using the print driver (column 3, lines 27-32); and

transferring the rendered print job over the network to the information processing device (column 3 lines 43-55).

However, Shaffer does not teach connectivity to Internet for supply of Internet based printing data. Bum in column 4, lines 23-60 explains how data is transmitted from PC through the set top box to the cable head end and to the Internet gateway. He explains in lines 57-60 that data packet from backbone Internet can be sent to the PC by reversing the steps explained in the earlier teaching in the same column. In short Bum teaches supply of data from Internet to PC through set top box. Examiner interprets data to include print data. Shaffer and Bum are analogous art because they are from the same field of endeavor that is transmitting data from

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cable head end to set top box. Therefore, it would have been obvious to a person skilled in the art, at the time of invention to use Bum for supply of printing data.

Regarding claim 2, Shaffer discloses a method according to Claim 1, further comprising the steps of instructing the information processing device to create another logical printer with a simplified print driver that accepts rendered print jobs, and of accepting the rendered print job by the logical printer for visual printout (column 3, lines 43-55).

Regarding claim 3, Shaffer discloses a method according to Claim 1, wherein the rendered print job includes all needed printer commands for the target printer (column 4, lines 1-5).

Regarding claim 4, Shaffer discloses a method according to Claim 3, wherein the rasterized bit map print data is formatted to a format needed by the target printer (column 3, lines 27-30 & 43-55).

Regarding claim 5, Shaffer discloses a method according to Claim 1, further comprising the steps of automatically detecting information for the type and configuration of the printer connected to the information processing device by requesting such information from the information processing device, and thereafter automatically obtaining a suitable print driver. (column 3, lines 43-55).

Regarding claim 9, Shaffer discloses a server device for providing for printout of an internet-based print job at a printer connected to an information processing device, information processing device is connected to the server device via a network, comprising:

a program memory for storing process steps executable to perform a method according to any of claims 1 to 5, 12, 14 and 23 to 25; and

a processor for executing the process steps stored in said program memory.

It is well known that computers such as program control computer 16 have a memory for storing programs and a processor for processing the programmed instructions.

Regarding claims 10 and 11, arguments analogous to those presented for claim 9, are applicable.

Regarding claim 14, Bum discloses a method according to claim 1, wherein the Internet-based source is a broadcasting station 10, the information processing device is a set top box 40 and the network is a broadband network 30.

5. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US patent 5,793,414) in view of Bum (US patent 6,285,685) and further in view of de Vries et al. (US patent 5,819,032).

Regarding claim 12, Shaffer and Bum do not teach a method according to Claim 1, wherein the Internet-based print job is a push-print print job originating from an Internet-based source. De Vries et al. teaches in column 4, lines 12-19 electronic distribution of magazines to

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multiple subscribers over a network such as internet. Distribution of electronic magazine is considered push-print job. Shaffer, Bum and de Vries et al are analogous art because they are from the same field of endeavor that is electronic delivery of data. Therefore, it would have been obvious to a person skilled in the art, at the time of invention to combine the electronic publishing of de Vries with Shaffer and Bum to remove the traditional constraints, such as paper, printing and distribution cost.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US patent 5,793,414) in view of Bum (US patent 6,285,685) and further in view of Davis et al. (US patent 6,367,009).

Regarding claim 23, Shaffer in view of Bum does not disclose a method according to claim 1, further comprising the steps of establishing a secure connection to the internet-based source. However, Davis discloses in column 10, lines 19-51 establishing secure communication between the client and the server. Shaffer, Bum and Davis are analogous art because they are from the same field of endeavor that is communication between devices in a network environment. Therefore, it would have been obvious to a person skilled in the art, at the time of invention to combine Davis with Shaffer in view of Bum to protect e-commerce transactions.

Regarding claim 24, arguments analogous to those presented for claim 23, are applicable.

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7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US patent 5,793,414) in view of Bum (US patent 6,285,685) and further in view of Yamaguchi (US patent 5,832,301).

Regarding claim 25, Shaffer in view of Bum does not teach a method according to claim 1, wherein the step of rendering the print job generates rasterized data using the print driver. However, this well known topic in art is disclosed by Yamaguchi in column 7, lines 11-16. Shaffer in view of Bum and Yamaguchi are analogous art because they are from the same field of endeavor that is generating and transferring print data. Therefore, it would have been obvious to a person skilled in the art, at the time of invention to use a print driver for to adapt the print data from an application for a specific printer.

#### ***Other prior Art Cited***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogasawara (US patent 6,543,052) discloses Internet shopping system utilizing set top box and voice recognition.

Marino (US patent 5,530,758) discloses secure communications.

#### ***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

AR  
AR  
December 11, 2003

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600